

REMARKS

The Examiner rejected claims 1, 4-7, 16-20 and 27-29 under 35 U.S.C. § 102(b) as anticipated by Brine (U.S. Patent No. 4,657,260). The Examiner also rejected claims 1-5, 7-10, 14, 15, 17-19 under 35 U.S.C. § 102(b) as anticipated by the Taylor et al. (U.S. Patent No. 5,035,434). Additionally, the Examiner rejected claims 1-5, 8-10, 14, 15, 17-19, 26, 27 and 29-33 under 35 U.S.C. § 102(e) as anticipated by Eden et al. (U.S. No. 6,283,879). Further, the Examiner rejected claim 36 under 35 U.S.C. § 103(a) as obvious over Eden et al.

The Applicants appreciate the Examiner's indication that claims 11-13, 21-25, 34, and 35, which are objected to being dependent upon a rejected base claim, would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Each of these claim rejections is addressed individually below.

The Section 102 Claim Rejections:

Claim 1:

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as anticipated by both (a) the Brine patent and (b) the Taylor patent and as anticipated by the Eden patent.

Claim 1 has been amended to require a lacrosse head having a frame element including a rear arcuate wall, a pair of opposing sidewalls extending generally outwardly from the rear arcuate wall, and a scoop located opposite the rear arcuate wall which connects the pair of opposing sidewalls. The frame element defines an open area for receiving a lacrosse ball. The lacrosse head also includes a throat portion connecting to and extending rearwardly from the rear arcuate wall. The throat portion has a socket formed therein for receipt of a lacrosse stick. The lacrosse head also includes a plurality of net attachment structures formed in the lacrosse head for attachment of a netting thereto. At least one flange extends generally outwardly away from the open area to assist in directing said lacrosse ball into said open area. The at least one flange is secured to the frame adjacent the upper rim of the sidewall. Further, the pair of

opposing sidewalls are generally outwardly inclined adjacent the base to assist in directing the lacrosse ball into the open area.

The Brine Patent:

Claim 1 clearly distinguishes over the Brine patent. Initially, the Brine patent does not teach any "flange" secured to the frame adjacent the upper rim of the sidewall. The structure the Examiner contends is a flange is a stiffening rib that extends generally from the middle portion of the sidewalls (See Figures 3-6 and Figures 9-11). Figure 12, which is the only figure that illustrates this stiffening rib extending from a portion of the frame arguably not the middle, illustrates the location of the stiffening rib adjacent the scoop. Thus, it is submitted that claim 1 defines over the Brine patent for this reason alone.

It is also submitted that claim 1 defines over the Brine patent for the additional reason that the sidewalls in Brine are not generally outwardly inclined. Instead, as shown clearly in at least Figures 10 and 11, the sidewalls are generally inclined inwardly, such that the upper rims are closer to one another than the lower rims. Therefore, it is submitted that claim 1 defines over the Brine patent for this additional reasons.

Accordingly, it is respectfully submitted that claim 1 is allowable over the Brine patent and that claims 2-17, which depend from claim 1, are allowable for at least the same reasons.

The Taylor Patent:

It is submitted that claim 1 is also clearly distinguishable over the Taylor patent.

Initially, the Applicants submit that the Taylor patent does not teach a flange that is intended to contact and block a lacrosse ball. It is therefore submitted that claim 1 is allowable for this reason alone. However, the Taylor patent also fails to teach sidewalls that are generally outwardly inclined. Instead, as shown in Figure 1, it appears that the sidewalls in Taylor are configured such that the upper rims overlie the lower rims. Accordingly, Applicants submit that claim 1 is allowable over the Taylor patent for this additional reason.

The Applicants thus submit that claim 1 and claims 2-17, which depend from claim 1, are now allowable.

The Eden Patent:

The Applicants additionally submit that claim 1 defines over the Eden patent. The Eden patent teaches adding a lip to one sidewall of a lacrosse head. The Eden patent, however, does not teach sidewalls that are generally outwardly inclined as set forth in claim 1. It is therefore submitted that claim 1 is allowable over the Eden patent for at least this reason and that claims 2-17, which depend from claim 1, are allowable for at least the same reasons.

Claim 18:

The Examiner rejected claim 18 under 35 U.S.C. § 102(b) as anticipated by both (a) the Brine patent and (b) the Taylor patent and under 35 U.S.C. § 102(e) as anticipated by Eden.

Claim 18 has been amended to require a lacrosse goalie stick head for attachment to a lacrosse stick including a frame element having a rear arcuate wall, a pair of opposing sidewalls extending generally outwardly from the rear arcuate wall, and a scoop located opposite the rear arcuate wall, which connects the pair of opposing sidewalls. The frame element defines an open area for receiving a lacrosse ball. The open area has a generally spoon-like shape. The lacrosse head also includes a throat portion connected to and extending rearwardly from the rear arcuate wall. The throat portion has a socket formed therein for receipt of a lacrosse stick. The lacrosse head further includes a plurality of net attachment locations formed therein for attachment of a netting thereto. Each of the pair of opposing sidewalls has at least one flange consisting of a continuous surface extending generally outwardly away from the open area. Each of the at least one flange has an outer surface that is raised with respect to an inner surface.

The Brine Patent:

Initially, the Brine patent does not teach or suggest a lacrosse head having an open area for receipt of a lacrosse ball that is generally spoon-shaped. The generally

spoon-shaped open area is characteristic of a goalie head and differs from a non-goalie head, which has an open area that starts off very smaller at the base and gets larger adjacent the scoop, i.e. has a generally v-shaped open area. This is because the sidewalls generally diverge from the base toward the scoop. Therefore, it is submitted that claim 18 is allowable for at least this reason alone.

Additionally, the Brine patent fails to teach or suggest that a flange consisting of a continuous surface having an outer surface that is raised with respect to an inner surface. The stiffening ridge in Brine is not a continuous surface that extends from the frame outwardly. For this additional reason, the Applicants respectfully submit that claim 18 is allowable over the Brine patent. It is also submitted that claims 19-26, which depend from claim 18, are allowable for at least the same reasons.

The Taylor Patent:

Claim 18 also is allowable over Taylor patent as the Taylor patent does not teach or suggest an open area having a generally spoon-shape for the same reasons provided above in connection with the Brine patent. It is therefore submitted that claim 18 is allowable for this reason alone.

Additionally, the Taylor patent does not teach a flange consisting of a continuous surface having an outer surface that is raised with respect to an inner surface. The stiffening ridge in Taylor has an outer surface that is disposed lower or in the same plane as the inner surface. For this additional reason, the Applicants respectfully submit that claim 18 is allowable over the Taylor patent. It is also submitted that claims 19-26, which depend from claim 18, are allowable for at least the same reasons.

The Eden Patent:

Claim 18 is additionally allowable over the Eden patent as the Eden patent does not teach or suggest an open area having a generally spoon-shape for the same reasons provided above in connection with the Brine patent. It is therefore submitted that claim 18 is allowable for this reason alone.

Claim 27:

The Examiner rejected claim 27 as anticipated by Brine, Taylor, and Eden.

Claim 27 has been amended to incorporate the limitations of objected to dependent claim 34. It is therefore submitted that claim 27 is allowable over the art of record and that claims 28-35, which depend from claim 27, are allowable for the same reasons.

The Section 103 Claim Rejections:

The Examiner rejected claim 36 under 35 U.S.C. § 103(a) as obvious over the Eden et al. patent.

The Applicants have amended claim 36 to include the limitation that the at least one flange extending from the top of the sidewall is planar between an inner surface located adjacent the open area and an outer surface located remote from the open area. The Examiner indicated that this limitation was not taught or suggested by the prior art of record. It is therefore submitted that claim 36 is allowable over the art.

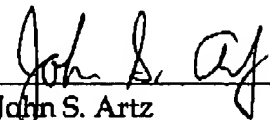
Conclusion:

It is submitted that all objections and rejections of record have been overcome and that all pending claims are in condition for allowance. A notice of allowance is therefore earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 223-9500, if any unresolved matters remain.

Respectfully submitted,

ARTZ & ARTZ, P.C.



John S. Artz
Reg. No. 36,431
28333 Telegraph Road, Ste. 250
Southfield, MI 48034
Attorney for Applicant

Date: December 23, 2004